

David S. Frist (admitted *pro hac vice*)  
david.frist@alston.com  
**ALSTON & BIRD LLP**  
1201 West Peachtree Street  
Atlanta, GA 30309  
Telephone: (404) 881-7000  
Facsimile: (404) 881-7777

Yuri Mikulka (SBN 185926)  
yuri.mikulka@alston.com  
Rachel E. K. Lowe (SBN 246361)  
rachel.lowe@alston.com  
**ALSTON & BIRD LLP**  
333 S. Hope Street, 16th Floor  
Los Angeles, California 90071  
Telephone: (213) 576-1000  
Facsimile: (213) 576-1100

Attorneys for DIRECTV, LLC and  
AT&T Services, Inc.

*(Additional counsel information omitted)*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ENTROPIC COMMUNICATIONS,  
LLC,

Plaintiff,

v.

DIRECTV, LLC; AT&T, INC.; AT&T  
SERVICES, INC.; AND AT&T  
COMMUNICATIONS, LLC

Defendants.

**Lead Case No. 2:23-cv-01043-JWH-KES**

Consolidated with Case Nos.:  
2:23-CV-01047-JWH-KES  
2:23-CV-01048-JWH-KES  
2:23-CV-05253-JWH-KES

**DECLARATION OF DAVID S. FRIST  
IN SUPPORT OF DIRECTV  
DEFENDANTS' REPLY ISO RULE  
12(b)(6) MOTION TO DISMISS UNDER  
35 U.S.C. § 101**

Date: January 16, 2024  
Time: 10:00AM  
Courtroom: 9D

1 I, David S. Frist, hereby declare and state as follows:

2 1. I am a partner of Alston & Bird LLP, and I represent the Defendants  
3 DIRECTV, LLC and AT&T Services, Inc. in this matter. I am submitting this Declaration  
4 in connection with Defendants' Reply in Support of their 12(b)(6) Motion to Dismiss  
5 Under 35 U.S.C. § 101. I have personal knowledge of the facts set forth herein and if called  
6 upon to do so, could testify competently thereto.

7 2. Attached as Exhibit 1 hereto is a true and accurate copy of U.S. Patent No.  
8 6,438,174.

9 3. Attached as Exhibit 2 hereto is a true and accurate copy of the August 3, 2010  
10 Non-final Rejection of U.S. Patent Application No. 11/292,939, which ultimately issued as  
11 U.S. Patent No. 8,085,802.

12 4. Attached as Exhibit 3 hereto is a true and accurate copy of the November 2,  
13 2010 Amendment to the claims of U.S. Patent Application No. 11/292,939 and  
14 accompanying Applicant Remarks.

15 5. Attached as Exhibit 4 hereto is a true and accurate copy of the June 25, 2013  
16 Information Disclosure Statement filed in U.S. Patent Application No. 11/241,748, which  
17 issued as U.S. Patent No. 8,621,539.

18 6. Attached as Exhibit 5 hereto is a true and accurate copy of U.S. Patent  
19 Publication No. 2009/0217325.

20  
21 I declare under penalty of perjury that the foregoing is true and accurate to the  
22 best of my knowledge, information, and belief.

23 Executed this 2nd day of January, 2024 in Atlanta, Georgia.

24  
25 /s/ David S. Frist  
26 David S. Frist  
27  
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